

MD Tree Laws

- MD Roadside Tree Law
- MD Reforestation Law (5-103)

Maryland Roadside Tree Law

- Governs trees growing within the public space of a state, county or local roadway (R/W).
- Covers tree & forest clearing of under one acre
- Covers removal of individual trees as well as limb pruning, root pruning, pesticide application & other treatments. (“Work that may affect the health or growth of a roadside tree.”)

Maryland Roadside Tree Law

- MD Roadside Tree Law does not govern:
 - Uprooted and hazardous trees
 - Trees on private property
 - Trees outside of a public roadway R/W

Two Types of RT Permits

- **Individual (Project Permit)**
 - New construction/reconstruction
- **Agency (Blanket Permit)**
 - Maintenance Activities
 - Blanket Permit to SHA maintenance shops, municipalities, & utility companies
 - Must designate a Certified Tree Care Expert on application.

Maryland Roadside Tree Law

- Mitigation Requirements:
 - Typically 1 to 1 replacement
 - Mitigation requirement determined by MD DNR-FS Forester after reviewing the impacts in the field. “When Trees are removed, replacement of those trees according to a plan may be required by the Forest Service.”*
 - Plantings may occur onsite or elsewhere within public roadway R/W.

* Title 08 Department of Natural Resources, Subtitle 07 Forest and Parks, Chapter 2.07 A (10)

MD Reforestation Law (5-103)

- Governs linear highway projects which clear one acre or more of forest
- Also covers removal of individual trees within the project limits
- “No net loss” Law
- MD DNR-FS issues an approval letter rather than a permit

MD Reforestation Law (5-103)

- Mitigation Requirements:
 - 1 to 1 replacement of forest area
 - Mitigation options prioritized as follows:
 - 1 Planting on construction site or inside the project R/W
 - 2 Planting on public lands within county and watershed
 - 3 Planting within county or watershed in the State
 - 4 Payment into Reforestation Law Fund
 - Mitigation plant sizes and density
 - Density & quantity of plantings increases as size of plants decreases. (eg. 100 2" cal. trees/ac or 700 seedlings/ac)

Resources

- *Guidelines for Landscaping on Maryland State Highway Right-of-Way*. SHA Engineering Access Permits Division, January 1996.
- Maryland Department of Natural Resources Forest Service, Urban and Community Forestry website:
<http://www.dnr.state.md.us/forests>
- Title 08 Department of Natural Resources, Subtitle 07 Forest and Parks, Chapter 2.07 A (10)
- MD Reforestation Law (Natural Resources Article 5-103)